

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — REGULAR SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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**NINTH DAY**

(Monday, March 15, 2021)

The Senate met at 12:29 pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Miles.

The President announced that a quorum of the Senate was present.

Senator Menéndez offered the invocation as follows:

We are blessed to be here on this Monday. To be part of, we are blessed to be a part of this body, but we're even more blessed to call this beautiful country of ours our homeland. On this day we reflect on the many hardships that our fellow Texans have had to endure. Let us reflect on the over 46,000 Texans who've lost their lives to COVID-19 and of the over 70 that lost their lives to Winter Storm Uri. The pandemic, the storm, many other challenges of uncertainty have brought us together and held us strong. God has given us a great amount of strength. He's been with us throughout these trials and tribulations. And even though we're not aware of His plans or His purpose, we have something that can overcome all of these challenges and that is our faith. When I walk on this floor to work with all of you, I know that we all serve because our hearts are filled with faith. We, as Texans, have many different religions and many different ideas, but the things that unite us and make us stronger are those things that are stronger than those that divide us, our faith in our God, our faith in each other, our faith in our fellow Texans, which should guide us through this session. And as we work to comfort the most vulnerable amongst us, let us all remember those grandparents, let's keep them in our prayers, who have not only raised their children, but many who are now raising their grandchildren, the sacrifices they make with their families. Let us pray for the single parents who are trying to find a way to secure a livelihood through always of the challenges through these past months. Let us pray for families with special needs who

have precious children who love all and who grace us with our courage. They're an inspiration and we in the Senate, we share with You the love and support that they deserve. And finally, let us pray for our veterans and our military families who sacrifice and continue to sacrifice so that our families can live in this country with freedom and we have the honor to step on this floor to make sure that their voices are heard. Dear God, in Your name we pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

### **LEAVE OF ABSENCE**

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of illness.

### **MESSAGES FROM THE GOVERNOR**

The following Messages from the Governor were read and were referred to the Committee on Nominations:

March 10, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

On January 21, 2021, I submitted the name of Darren G. Yancy, Sr. for appointment to the Brazos River Authority Board of Directors for a term to expire February 1, 2025.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

March 10, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

On January 21, 2021, I submitted the name of Shelly L. Botkin for appointment to the Public Utility Commission of Texas for a term to expire September 1, 2025.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

March 10, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

On January 21, 2021, I submitted the name of Kaaren Cambio for appointment to the San Jacinto River Authority Board of Directors for a term to expire October 16, 2025.

Because she resigned, I hereby withdraw her nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Greg Abbott

Governor

March 10, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the Texas Water Development Board for a term to expire February 1, 2027:

Peter M. Lake

Austin, Texas

*(Chairman Lake is being reappointed)*

Respectfully submitted,

/s/Greg Abbott

Governor

March 10, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Governing Board of the Texas Indigent Defense Commission for terms to expire February 1, 2023:

Alexander "Alex" Bunin

Houston, Texas

Gonzalo P. Rios, Jr.

San Angelo, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott  
Governor

March 10, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR  
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a member of the State Soil and Water Conservation Board for a term to expire February 1, 2023:

Carl Ray Polk, Jr.  
Lufkin, Texas  
*(Mr. Polk is being reappointed)*

Respectfully submitted,

/s/Greg Abbott  
Governor

March 11, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR  
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Board of Professional Geoscientists for terms to expire February 1, 2027:

Bereket M. Deric, Ph.D.  
Georgetown, Texas

Steven W. Fleming  
Shavano Park, Texas

LaFawn D. Thompson  
New Braunfels, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Greg Abbott  
Governor

March 11, 2021  
Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas State Affordable Housing Corporation Board of Directors for terms to expire February 1, 2027:

Courtney Johnson Rose

Missouri City, Texas

*(Ms. Rose is being reappointed)*

Lemuel C. Williams, Jr.

Austin, Texas

*(replacing Laura L. "Lali" Shipley of Austin whose term expired)*

Respectfully submitted,

/s/Greg Abbott

Governor

March 11, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Pension Review Board for terms to expire January 31, 2027:

Christopher E. "Chris" Gonzales

Cypress, Texas

*(replacing Ernest Richards of Irving whose term expired)*

Stephanie V. Leibe

Austin, Texas

*(Ms. Leibe is being reappointed)*

Christopher A. Zook, Sr.

Houston, Texas

*(Mr. Zook is being reappointed)*

Respectfully submitted,

/s/Greg Abbott

Governor

March 15, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Judicial Compensation Commission for terms to expire as indicated:

To Expire February 1, 2023:

Philip W. "Phil" Johnson

Lubbock, Texas

*(replacing Isaac M. Castro of Hamlin who resigned)*

To Expire February 1, 2027:

Jingjing "JJ" Clemence

Sugar Land, Texas

*(replacing William M. "Bill" Strawn of Austin whose term expired)*

Scott J. Salmans

McGregor, Texas

*(Mr. Salmans is being reappointed)*

Respectfully submitted,

/s/Greg Abbott

Governor

March 15, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas State Board of Public Accountancy for terms to expire January 31, 2027:

Susan I. Adams

Colleyville, Texas

*(replacing Benjamin "Ben" Peña of Bayview whose term expired)*

Renee D. Foshee

San Marcos, Texas

*(replacing Alice Roselyn E. "Rosie" Morris, Ph.D. of San Marcos whose term expired)*

Ray R. Garcia

Houston, Texas

*(replacing Ross T. Johnson of Houston whose term expired)*

Olivia Espinoza Riley

Addison, Texas

*(replacing Timothy L. "Tim" LaFrey of Austin whose term expired)*

Sheila M. Valles-Pankratz

Mission, Texas

*(replacing Kimberly E. Wilkerson of Lubbock whose term expired)*

Respectfully submitted,

/s/Greg Abbott

Governor

March 15, 2021

Austin, Texas

TO THE SENATE OF THE EIGHTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be the Chief Executive and Public Counsel of the Office of Public Utility Counsel for a term to expire February 1, 2023:

Lori A. Cobos

Austin, Texas

*(Ms. Cobos is being reappointed)*

Respectfully submitted,

/s/Greg Abbott

Governor

### **RESOLUTION SIGNED**

The President announced the signing of the following enrolled resolution in the presence of the Senate: **SCR 24**.

### **SENATE RULE 7.12(a) SUSPENDED (Printing of Bills)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 7.12(a) was suspended and the committee report for **SB 2142** was ordered not printed.

### **CONCLUSION OF MORNING CALL**

The President at 12:37 p.m. announced the conclusion of morning call.

### **SENATE BILL 2142 ON SECOND READING**

Senator Hughes moved that the Intent Calendar Rule and the regular order of business be suspended to take up for consideration **SB 2142** at this time on its second reading (Submitted by the Governor as an emergency matter):

**SB 2142**, Relating to correcting the prices of wholesale power and ancillary services sold in the ERCOT market during a certain period.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Creighton, Eckhardt, Hancock.

Absent-excused: Miles.

### **SENATE BILL 2142 ON THIRD READING**

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 2142** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Miles.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Gutierrez, Hall, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Nays: Creighton, Eckhardt, Hancock.

Absent-excused: Miles.

### **SENATE RULE 11.13 SUSPENDED (Consideration of Bills in Committees) (Motion In Writing)**

Senator Schwertner submitted the following Motion In Writing:

Mr. President:

I move to suspend Senate Rule 11.13 so that committees may meet while the Senate is meeting.

SCHWERTNER

The Motion In Writing was read and prevailed without objection.

### **MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:40 p.m. agreed to adjourn, pending the receipt of messages, committee reports, and the completion of administrative duties until 3:00 p.m. tomorrow.

### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:59 p.m. Tuesday, March 16, 2021, adjourned until 3:00 p.m. today.



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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

March 15, 2021

HEALTH AND HUMAN SERVICES — **CSSJR 19, CSSB 25**

JURISPRUDENCE — **SB 2142**

**BILL ENGROSSED**

March 15, 2021

**SB 2142**

**SENT TO SECRETARY OF STATE**

March 15, 2021

**SCR 24**

